

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JULIE A. SU, acting Secretary of Labor,)
Petitioner,)
) No. 1:23-mc-19
-v-)
) Honorable Paul L. Maloney
SUPERIOR VENTURES UNLIMITED, LLC,)
D/B/A/ SUBWAY,)
Respondent.)
)

ORDER ADOPTING REPORT AND RECOMMENDATION

The Department of Labor is investigating whether Superior Ventures Unlimited has complied with the Fair Labor Standards Act. The Secretary of Labor initiated this lawsuit by filing a motion to enforce an administrative subpoena (ECF No. 1). The Secretary has also filed a motion for civil contempt of Superior Ventures and its owner, Miranda Barajas-Brazil (ECF No. 11). The Magistrate Judge issued a report recommending, among other things, that the Court grant the motion to hold Superior Ventures and its owner in civil contempt. (ECF No. 16). The Magistrate Judge ordered service of the motion for contempt and of the report and recommendation (ECF No. 17). The United States Marshal filed proof of service (ECF No. 18).

After being served with a report and recommendation (R&R) issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). When a party fails to timely object, that party accepts the findings in the report and a district court may adopt the

proposed findings and recommendations without further review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

To date no objections have been filed. The time to file objections has expired. Accordingly, the Court **ADOPTS** the Report and Recommendation.

1. The Court **GRANTS** the Secretary's Motion for Adjudication of Civil Contempt against Superior Ventures Unlimited, LLC and its owner Miranda Barajas-Brazil (ECF No. 11).

2. The Court **HOLDS** Superior Ventures Unlimited, LLC and Miranda Barajas-Brazil in civil contempt of court for failing to comply with an administrative subpoena;

3. Superior Ventures Unlimited, LLC must produce all documents responsive to the administrative subpoena within ten business days of the receipt of this Order. The U.S. Marshal must serve Superior Ventures and its owner with this Order within seven days and must timely file proof of service.

4. If Superior Ventures Unlimited, LLC and Miranda Barajas-Brazil do not comply with this Order and purge their civil contempt, they must pay \$250.00 per day for every day they have failed to produce the documents. The financial obligation is imposed jointly and severally. The financial obligation begins eleven days after service of this order by U.S. Marshal and continues until they comply with this Order;

5. The Court finds the statute of limitations in 29 U.S.C. § 255 tolled as of September 29, 2022, the date Superior Ventures Unlimited, LLC first failed to respond to the administrative subpoena, for a period of ninety days after Superior Ventures has produced all documents responsive to the administrative subpoena *duces tecum*.

IT IS SO ORDERED.

Date: January 5, 2024

/s/ Paul L. Maloney

Paul L. Maloney
United States District Judge